



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,145	09/09/2003	David Alexander	IMMR023/04US	1899
22903	7590	06/15/2004	EXAMINER	
COOLEY GODWARD LLP ATTN: PATENT GROUP 11951 FREEDOM DRIVE, SUITE 1700 ONE FREEDOM SQUARE- RESTON TOWN CENTER RESTON, VA 20190-5061			SOTOMAYOR, JOHN	
			ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/657,145

Applicant(s)

ALEXANDER ET AL.

Examiner

John L Sotomayor

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-20 is/are allowed.
- 6) ☒ Claim(s) 21-25 and 27-32 is/are rejected.
- 7) ☒ Claim(s) 26 and 33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. In response to the amendment filed January 9, 2004, claims 1-11 are canceled and newly added claims 12-33 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 21-25 and 27-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuwabara et al (US 4,423,428).

Regarding claim 21, Kuwabara et al discloses a method of capturing a peripheral device into a capture mechanism configured to engage the peripheral device (fig 2), automatically engaging the peripheral device based on a first movement of the device and releasing the peripheral device based on a second movement of the device (Col 3, line 45 – Col 4, line 3).

Regarding claim 22, Kuwabara et al discloses a method of capturing a peripheral device into a capture mechanism where engaging the peripheral device includes frictionally engaging the peripheral device (Col 3, lines 60-67).

Regarding claims 23-25, Kuwabara et al discloses a method of capturing a peripheral device into a capture mechanism includes engaging the peripheral device using a plurality of jaws (claim 23), the plurality of jaws configured to open and close based on the movement of a

Art Unit: 3714

lever (claim 24), and mechanically actuating a lever to open and close a plurality of jaws (claim 25) (Figs 3, 4a and 4b).

Regarding claims 27-28, Kuwabara et al discloses a method of capturing a peripheral device into a capture mechanism that includes inserting the peripheral device into a tubular member having cross-sectional dimension, moving a spring from a first position to a second position, reducing the cross-sectional dimension based upon the movement of the spring, frictionally engaging the peripheral device with the tubular member while the cross-sectional dimension is reduced, and releasing the peripheral device by increasing the cross-sectional dimension of the tubular member (Fig 3, Col 3, line 50 – Col 4, line 3).

Regarding claims 29 and 30, Kuwabara et al discloses an apparatus comprising a grasping member configured to engage an elongate peripheral device (fig 3), an actuator configured to reduce a cross-sectional dimension of the grasping member, and a spring assembly coupled to the grasping member and configured to change a dimension of the grasping member to frictionally engage the elongate peripheral device (Col 3, line 50 – Col 4, line 3 and Fig 3).

Regarding claim 31, Kuwabara et al discloses an apparatus comprising a plurality of jaws moveable between a first position and a second position based upon forces applied by the actuator (Fig 4a and b).

Regarding claim 32, Kuwabara et al discloses an apparatus comprising a plurality of jaws having a first end portion configured to receive a peripheral device, a collet expander with a conical first end configured to engage the plurality of jaw and maintain the jaws in an open position, the collet expander being moveable between a first position and a second position, a lever configured to receive an activating force from the actuator, and a spring configured to bias

Art Unit: 3714

the collet expander to close the jaws when moved from a first position to a second position (Fig 3, Col 3, line 50 – Col 4, line 3).

Allowable Subject Matter

4. Claims 12-20 are allowed. The prior art does not teach or suggest a capture mechanism configured to engage a peripheral device, the capture mechanism having a grasping member and an actuator, the actuator being configured to actuate the grasping member in response to a movement of the peripheral device, the coupling mechanism being configured to move in response ^{to the} ~~to the~~ movement of the peripheral device when the peripheral device is engaged by the capture mechanism and a sensing assembly configured to detect a manipulation of the peripheral device while the peripheral device is engaged by the capture mechanism.

Claims 26 and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bailey (US 5,800,179) for a discussion of training persons using an endoscopic means for minimally invasive surgical techniques.

Tuason (US 5,403,191) for a discussion of multiple surgical implements used in combination with a sensing assembly for training surgical users.

Art Unit: 3714

Adair (US 6,086,528) for a discussion of surgical apparatus with tubular cross sections used in training systems.

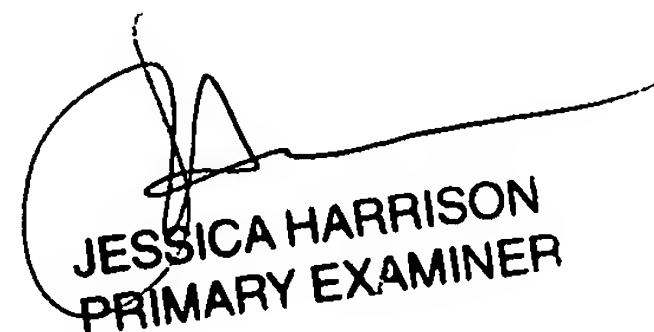
Schaller (US 5,817,107) for a discussion of grasping instruments with guided actuation assembly.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L Sotomayor whose telephone number is 703-305-4558. The examiner can normally be reached on 6:30-4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jls
June 10, 2004


JESSICA HARRISON
PRIMARY EXAMINER